

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2071.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SO-CALLED FRUIT JUICE.

On May 22, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 barrels of so-called fruit juice remaining unsold in the original unbroken packages and in possession of the Fall River Line, New York, N. Y., alleging that the product had been shipped on April 18, 1912, from the State of Massachusetts into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Guaranteed by the manufacturer under the Food and Drugs Act, June 30, 1906."

Misbranding of the product was alleged in the libel for the reason that it consisted of a certain mixture, to wit, fruit juice and benzoate of soda, which article was misbranded, in that it was an imitation of another article, to wit, fruit juice. Misbranding was alleged for the further reason that the product, to wit, a mixture of fruit juice and benzoate of soda, was offered for sale under the distinctive name of another article of food, that is, under the name of fruit juice.

On July 5, 1912, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to the F. L. Daggett Co., claimant, Boston, Mass., upon payment of all costs of the proceedings, amounting to \$65.01, and the execution of bond in the sum of \$250 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 7, 1912.*